

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-CT-3457-M-RJ

ANDREW SCOTT WILSON,

)

Plaintiff,

)

v.

)

ORDER

)

FCC BUTNER, LYNN B. KELLY,

)

OFFICER SOSA, OFFICER RUSSELL,

)

LT. ANDREWS, LT. MIDDLETON,

)

OFFICER NOBLES, OFFICER CONNER,

)

OFFICER FRABONI, L.B. KELLY,

)

OFFICER DARNELL, LT. OLECH, LT.

)

HACKETT, CAPT. SCOTT, CAPT.

)

WRIGHT, K. WARE, R. GRIFFIN, LT.

)

LIPSCOMB, OFFICER CARLOCK,

)

OFFICER CLARENCE, DR. DRAUDE,

)

KRISTIAN LIOV, BUTNER FCI 2, SIS

)

OFFICER MILLER, OFFICER RUSSELL,

)

WARDEN LOTT, OFFICER LANGSTON,

)

OFFICER ROBERTS, OFFICER PETO,

)

OFFICER RIVERA, OFFICER JOHNSON,

)

MID-ATLANTIC REGIONAL OFFICE, S.

)

GLASS, COUNSELOR SMITH, OFFICER

)

DELK, OFFICER HOLDEN, S. SMITH,

)

OFFICER HAWOUT, TOBIAS MAYO,

)

ALFRED KNIGHT, JOSHUA

)

SHROEDER, MICHAEL

)

SCARBOROUGH, SHAWN PERKINS,

)

GARY LEE SMITH, SHAWN

)

PADGETTE, NURSE MCCLURE, J.C.

)

PETRUCCI, OFFICER HOSKINS, K.

)

FORBES, MICHAEL FRAZIER, M.D.

)

PITU, OFFICER CORNICK, OFFICER

)

BATTS, OFFICER ROBERTS, OFFICER

)

DIAZ, UNICOR JOHNSON, OFFICER

)

CONNER, OFFICER KEETON, OFFICER

)

BELL, and GRAND PRARIE

)

CLASSIFICATION TEAM,

)

Defendants.

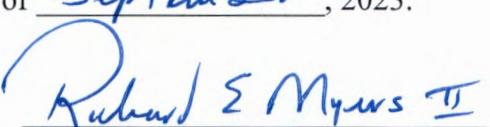
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Plaintiff, a federal inmate proceeding pro se, filed this action pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 2671-80, 42 U.S.C. § 1983, and Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). The matter is now before the court on plaintiff’s motions for relief (D.E. 5), to amend complaint (D.E. 7, 17), to proceed without prepayment of fees (D.E. 14), and for judgment on the pleadings (D.E. 18).

The court first addresses plaintiff’s motion to proceed without prepayment of fees. Plaintiff’s trust fund account indicates a balance of \$7,870.12 as of the date this action was filed. (Inmate Statement (D.E. 22) at 6). The court finds plaintiff has sufficient funds to pay the filing fee. See Standing Orders 80-PLR-2, 80-PLR-3.

Accordingly, plaintiff’s motion to proceed without prepayment of fees (D.E. 14) is DENIED. Plaintiff is DIRECTED to pay the filing fee of \$402.00 within **21 days** of entry of this order. At this time, plaintiff’s remaining pending motions (D.E. 5, 7, 17, 18) are DENIED AS MOOT. In the event plaintiff pays the filing fee, he may reassert such motions at that time. Should petitioner fail to pay the filing fee, the clerk is DIRECTED, without further order of the court, to terminate any pending motions as moot and enter judgment dismissing this action without prejudice for failure to prosecute and failure to respond to a court order.

SO ORDERED, this the 29th day of September, 2023.


Richard E. Myers II

Chief United States District Judge